

## **Enclosure IV**

### **RESPONSE TO COMMENTS ON MARCH 2002 Draft COMMUNITY RELATIONS PLAN WORK PLAN**

Please note that the community plan will now be referred to as the “community involvement plan” or “CIP” as opposed to the “community relations plan” as was done in the draft workplan. This change will be reflected in the final workplan.

#### **(Specific Responses on “L” items referenced in Enclosures I and II)**

##### **L.1 Overall Plan**

###### ***Comments***

Commentors expressed that the community should be involved in creating the Community Involvement Plan (CIP) not just reviewing it. More specifically, comment recommended that west side lessons should be incorporated into the CIP. Comment also voiced opinion that the CIP draft should be submitted for public comment to the Puerto Rico Environmental Quality Board (EQB), the municipality and the Commissioners of Vieques and Culebra, interested organizations and that a public notice should occur announcing public comment for the final decision on the CIP.

###### ***Response***

The community and stakeholders, including the municipality and EQB, will be active participants in creating the CIP. That has already begun to happen through the submission of comments on the March 2002 work plan for developing it. In addition, EPA has been conducting an ongoing effort to provide information to stakeholders prior to the development of the CIP in order to ensure community involvement and awareness throughout the process. This summer EPA met with various stakeholders in Vieques to discuss the status of the project and upcoming events. EPA also made available a grant to help with technical assistance. That grant was announced through newspaper ads, press release, stakeholder outreach and web information in order to ensure a broad distribution of the information. Also, the interview process outlined in the March 2002 work plan provides the opportunity for stakeholders/community members to discuss with EPA and the Navy ways in which public outreach can be most effective. It also allows EPA and the Navy to determine areas of public concern so that the CIP reflects those issues and provides meaningful mechanisms for those concerns to be addressed throughout the investigation and cleanup process. EQB will participate in that interview process as well. In order to provide a transparent and community driven process, the draft community involvement plan will be available for public comment for 30 days in both English and Spanish, allowing an even greater opportunity for public input. The CIP will be folded into any future community involvement plan under Superfund.

## **L.2 General Comments and Involvement Issues**

### ***Comments***

There were general comments provided encouraging a transparent process, and interest in ensuring the involvement of the municipality and EQB. There were also comments that the federal partners in the project must communicate with concerned residents via written response. General comments also included requests for periodic public meetings.

### ***Response***

A transparent process is key to the success of the investigation and cleanup work on the east end of Vieques. The CIP, which is the subject of this work plan, is an effort to ensure that an effective and responsive program is put into place to meet information and involvement needs of the community. Questions or concerns that are expressed to EPA and/or the Navy will be responded to by the most appropriate party and will be responded to in an appropriate format, either in person, via phone or in writing with consideration to how the concern was transmitted to the responding party. The agencies will hold public information/participation sessions throughout the process to ensure that there is a continuing dialogue between federal partners, the public and various stakeholders. Until the draft community involvement plan is developed, it is premature to specify a frequency at which meetings will take place. However, EPA will make every effort to keep the public regularly informed about activities and developments related to the site. EPA and the Navy will also continue to work with the municipality and EQB as the process moves forward.

## **L.3 Translation**

### ***Comments***

Several commentors asked that all documents, including technical documents, be translated into Spanish. Commentors recommended that EPA and Navy release a Spanish version of some of the work plans and have a new 30 day comment period and should, if many comments are received, then consider incorporating responses into a new draft version.

### ***Response***

EPA recognizes the need to have public information materials related to the cleanup activities in Vieques available in Spanish. Consistent with our regional translation policy, EPA has produced and translated documents intended for the general public that provide information and summarize our activities in Vieques. These documents include public notices, fact sheets and posters. Due to the difficulty in accurately and consistently translating technical or legal documents into other languages, the Agency only translates materials intended for a general audience. We will, however, make every effort to assist community members in understanding complex technical or legal documents. In addition, we will ensure that the community is kept informed and has an opportunity to be meaningfully involved in the cleanup process, by continuing to generate documents that have the public at large as the audience. Once a draft CIP is

complete, it will be translated into Spanish and will be made available in both English and Spanish for a public comment period, ensuring that public input plays an important role in the final product. EPA has the capacity to translate documents into Spanish through a contract with the U.S. Department of State and with the agency's headquarters office in Washington, D.C. In addition, EQB has offered assistance on translations as needed. Also, EPA has made available a grant to assist a community/nonprofit group with technical assistance-including translation assistance- to help foster a better understanding of very technical, complex issues.

#### **L.4 Interview Process**

##### ***Comments***

Several public comments addressed the interview process outlined in the draft work plan for community involvement. Among the comments provided was the importance of considering community members' perceptions and/or experiences with the interview process that took place on the west end. Also the following recommendations were made in response to the process detailed in the draft:

- Get accurate picture of community involvement on NASD.
- Should use NASD TRC community members in developing the interview questions because they know the area, what questions make sense, and this will help establish good working relationships.
- There should be representatives from EQB or the municipality of Vieques at interviews. It will be intimidating to have EPA and Navy doing interviews together.
- Interviews should be free flowing. Commentors note that the work plan says interviews focus is consent order work and RCRA process of preparing the RFI final report and decision documents. Commentors assert that too much focus decreases the value of the interviews and focusing on what is seen as important by regulators limits what information may be obtained.
- Stakeholders should discuss alternatives to current interview plan.
  - 1- Various representatives from cleanup including west TRC members should be included.
  - 2- Interviews should be small groups instead of individuals, making it more comfortable for those being interviewed.
  - 3- Interviews should be recorded in some format, if okay with interviewee, to avoid disagreements.
- Persons interested in participating in interviews should not have to contact EPA. We should publish dates on which they'll be held, explain objectives and invite people to participate.

### ***Response***

The interview process is an important opportunity to hear from the members of the community as the investigation and cleanup work proceeds. Community interviews were a useful tool in developing a separate CRP for the western end. That information will factor into this CIP and provide a picture of lessons learned from the west end experience. Because east end issues were not specifically discussed at those interviews, new community interviews will provide an opportunity for community members to weigh in on issues specific to the east end of the island.

In order to provide a comfortable and open atmosphere for the interviews, a representative from EQB will be invited to sit in.

In response to the request that the TRC for the west end be involved in question development, the work plan will be updated to include the participation of TRC members in the process. Proposed interview questions will be shared with TRC members and their comments will be considered in finalizing them. These questions will guide discussions with interviewees to elicit valuable and constructive input. Additional relevant comments by interviewees are welcome. Questions will not limit interviews, as some commentators expressed, but will serve as mechanisms to maximize their usefulness.

One comment suggested that remarks made during the interview process, if acceptable to the interviewee, be recorded. As stated in the draft work plan, responses given during the interviews will be recorded on questionnaires as a record of the comments given by interviewees.

There was also some concern about how people would be invited to participate in interviews. In order to solicit participation, the work plan will be changed to include the development of a public notice that will be placed in the local newspapers announcing the interview sessions and providing a place for people to call if interested in participating. Every effort will be made to engage a broad group of community members in the interview process.

Based on some concerns about individual interviews being intimidating, interviews will be conducted in two ways and the work plan will be updated to reflect the incorporation of both methods. Some will be individual interviews for those most comfortable voicing their input in a one-to-one interview format. Others will be conducted in small groups of five or so individuals, for those who would prefer this setting. Participants will be asked which they prefer as they register to participate.

## **L.5 Community Based Panel**

### ***Comments***

Commentors were concerned about the need for and doubt that remained about whether a community based panel concerning east side issues on Vieques would be formed. Emphasis was placed on the need for such a mechanism and associated funding. Among the comments expressed was the desire that a

separate panel be formed to address east side issues as opposed to using the current TRC from NASD. Commentors laid out numerous reasons why the west side group would be unable to effectively function for the east side, saying it is insufficient and that the group currently does not meet enough to address NASD let alone the east side as well. The argument was also made that given that the east and west sides involved different regulatory processes and oversight it would be unfair to ask the community to participate through one mechanism. Funding for technical assistance was also a concern.

### ***Response***

The issue of separate community groups for the east and west ends will be considered by EPA and Navy during the development of the CIP. The agencies will use the interview process to ascertain community views on the best and most effective mechanisms for involving the public in the investigation and cleanup. Also, EPA has made available a grant to assist a community/nonprofit group with technical assistance to help foster a better understanding of very technical, complex issues.

## **L.6 Mailing List**

### ***Comments***

Some concern was expressed about the depth or size of the mailing list referenced as a mechanism for communicating with the public. Commentors stated that list must be expanded and that community members can be helpful in accomplishing that.

### ***Response***

The need to expand the mailing list is one on which EPA and the Navy agree. We have already begun to explore ways to expand the list. EPA has obtained an expanded contact list from the Agency for Toxic Substances and Disease Registry (ATSDR) and plans a mailing to people on the current mailing list asking them for contact information for other interested parties that may want to receive information. We will also ask key stakeholders to facilitate its expansion by reaching out to their key constituencies and providing EPA or the Navy with additions for the list. Interested parties will also have the opportunity to join the mailing list at all public meetings and at interview sessions.

## **L.7 TRC Membership by EQB**

### ***Comments***

A number of commentors noted the draft work plan said that EQB had not appointed a member to the TRC. In fact, EQB has done so, and it has been requested that the information be updated.

### ***Response***

That fact will be updated in the work plan.

## **L.8 Document Availability for Review and Public Comment/ Meetings**

### ***Comments***

Commentors were concerned about the availability of documents related to a section in the draft community involvement work plan that suggested EPA would have to request that the Navy make certain documents available. They request that all documents regarding process be available and that availability should not require an EPA request. In addition, they request that the public be notified of document availability through public notice and that technical documents should be made available on the island. There were also comments definitely requesting a notice to the public when the corrective measures study (CMS) is available as well as the statement of basis. Also, the comment encouraged that public meetings be held when requested by the public

### ***Response***

Any documents, including technical documents, available for public comment as well as all fact sheets, will be made available to the public at the repositories referenced in the work plan. As for public notice, EPA will keep the public fully informed when documents are available for public comment. Please see the table in the CIP work plan that provides information in table form showing that RCRA Facility Investigation (RFI) work plans, RFI report, Corrective Measures Study (CMS) will all be among documents available in repositories and subject to public comment periods. This chart also shows that the work plan includes public meetings when requested in coordination with the RFI Report and CMS. In order to facilitate ongoing communication and dialogue throughout the process, this summer EPA met with various stakeholders in Vieques to discuss the status of the project and upcoming events. With regard to the location of document availability, one of the public repositories is located on Vieques and the other is at EPA's office in San Juan. Documents are also available at EPA's office in New York City and at EQB's office. The community involvement plan will include updated information for these locations.

## **L.9 Review Extension**

### ***Comment***

Several commentors would like more time to review the work plan.

### ***Response***

In order to ensure that the CIP continues to move forward, the next step will be to begin the interview process and draft the CIP that will then be released for public comment. The original public comment period was public noticed on Aug 7, 2002 [in English & Spanish] and was to close on Sept 8, 2002. By a second public notice dated Sept 9, 2002, EPA extended the public comment period until Nov 8, 2002. We believe this extension provided sufficient time for interested parties to review the work plan.

## **L.10 Technical Issues and Community Outreach**

### ***Comment***

On a number of issues including ground water, aerial photos, background and dropping compounds,

sampling and PAOCs, comments asked that stakeholders be part of the process and that they be informed and educated about the issues surrounding these areas to ensure that stakeholders are able to participate in the process. Commentors asked for a transparent process involving the public in decisions and providing an explanation of processes on the issue of background and compound dropping.

***Response***

Work plans/evaluations are put out for public review and comment, and EPA incorporates the community's comments and suggestions on technical issues and evaluations, when appropriate. In addition, to ensure that the community is able to participate in a meaningful and informed manner, EPA will be conducting training for some key stakeholders on risk assessment. Also, EPA has made available a grant to assist a community/nonprofit group with technical assistance to help foster a better understanding of very technical, complex issues. Finally, we plan to hold public meetings that will serve as an opportunity for the community to ask the involved federal agencies about the remedial investigation work and areas covered in the work, such as ground water, sampling and PAOC's, as well as background and compound dropping.

**L.11 Aerial Photos**

***Comment***

Stakeholders should have the opportunity to review and understand data from the aerial photos.

***Response***

EPA is currently working with the Navy on document availability, including aerial photos.

**L.12 Sampling**

***Comment***

Comment suggested that community input is needed on where sampling occurs and what media to sample to ensure that pertinent questions are answered and stakeholder understanding is improved. Commentor also asks that we discuss with the public the data and sampling selection rationale as well as the connection of different studies. Commentor also asked that stakeholder representatives be given the opportunity to visit sampling sites.

***Response***

Sampling locations, as well as the rationale for the locations, are available as part of the specific work plans. This information will be expanded upon in the RFI. The request by commentor to visit sampling sites, including the one for historical and archeological purposes, will be considered as part of the CIP development. The community will be kept informed about sampling activities throughout the process.

**L.13 PAOCs**

***Comment***

Commentor asked how the community will be involved in the assessment of PAOCs. Are they a part of the community involvement scope? What about other areas that are not SWMUs or AOCs?

***Response***

Consistent with the consent order, the Navy is investigating PAOCs. Any additional work plans developed, including any for PAOCs, would be made public, with time for public comment.

**L.14 Compliance Monitoring Strategy*****Comment***

Commentors insisted that the compliance monitoring strategy review involve the public and that the public be notified when the RFI work plan is finished and the public comment period begins.

***Response***

Following implementation of the site specific RFI Work Plan, the results of those investigations and all recommendations about further actions [including any for no further action and/or future compliance monitoring recommendations] will be presented in a Draft Phase I RFI Final Report. As indicated in the March 2002 Community Relations Work Plan, which was one of the documents under public review during the August - November 2002 public comment period, the Draft Phase I RFI Final Report will be made available for public review and comment, prior to its final approval.

**L.15 Different Requirements in Different Consent Orders*****Comment***

Commentor asked whether community relations requirements can vary from consent order to consent order.

***Response***

Yes, community involvement requirements can be different in different consent orders under RCRA. EPA is, as part of the RCRA program, committed to meaningful and transparent public involvement.

For additional information on public participation through the RCRA process, including corrective actions such as Vieques, visit <http://www.epa.gov/epaoswer/hazwaste/permit/pubpart/manual.htm>

For additional information on community involvement under the Superfund program visit <http://www.epa.gov/superfund/action/community/index.htm>



